

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE PRODUCTS
ANTITRUST LITIGATION

MDL Docket No. 3:10-md-02143 RS

Case No. 3:13-cv-05370 RS

This document relates to:

Hewlett-Packard Company,

Plaintiff,

v.

Toshiba Corporation, et al.,

Defendants.

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME TO FILE A
PROPOSED BRIEFING SCHEDULE
REGARDING DEFENDANTS' MOTION
TO DISMISS HP'S FIRST AMENDED
COMPLAINT**

1 WHEREAS, Hewlett-Packard Company (“HP”) has filed two separate actions—(i) the
 2 above-captioned action, and (ii) *Hewlett-Packard Co. v. LG Electronics, Inc. et. al.*, Case No.
 3 3:13-cv-05371 (the “Second Action”)—both of which have been transferred to this Court as part
 4 of MDL No. 2143 (Dkt. 1073);

5 WHEREAS, on May 23, 2014, the Court entered a Stipulation and Order Regarding
 6 Defendants’ Responses to First Amended Complaint in this action, stating that to the extent any
 7 Defendant or Defendants move to dismiss HP’s First Amended Complaint, the parties shall work
 8 in good faith to reach an agreed upon briefing schedule to present to the Court no later than July
 9 7, 2014 (Dkt. 28);

10 WHEREAS, on June 23, 2014, the undersigned Defendants filed a motion to dismiss the
 11 First Amended Complaint in this action (Dkt. 32) pursuant to Federal Rule of Civil Procedure
 12 12(b)(6);

13 WHEREAS, on June 23, 2014, HP filed a separate Second Amended Complaint in the
 14 Second Action, Case No. 3:13-cv-05371, naming certain other Defendants, and those Defendants’
 15 responses to that complaint are due on or before August 7, 2014 (*see* Case No. 3:13-cv-05371,
 16 Dkt. 33);

17 WHEREAS, the parties in this action continue to meet and confer regarding a proposed
 18 briefing schedule, including a proposal for consolidated briefing between the motion to dismiss
 19 filed in this action and any motion(s) to dismiss which may be filed in the Second Action (Case
 20 No. 3:13-cv-05371), and request additional time in order to reach such an agreed-upon briefing
 21 schedule; and

22 WHEREAS, the parties believe they can present a proposed briefing schedule to the Court
 23 no later than July 18, 2014;

24 It is therefore STIPULATED and AGREED, subject to Court approval, that:

25 The parties shall work in good faith to reach an agreed upon briefing schedule for the
 26 Defendants’ pending motion to dismiss (Dkt. 32) and shall present a stipulated briefing schedule
 27 to the Court no later than July 18, 2014.

28 IT IS SO STIPULATED.

1
2 DATED: July 7, 2014

LATHAM & WATKINS LLP

3
4 By /s/ Belinda S Lee
BELINDA S LEE

5 505 Montgomery Street, Suite 2000
6 San Francisco, CA 94111
7 Tel: 415-395-8240
Fax: 415-395-8095
belinda.lee@lw.com

8 *Counsel for Defendants Toshiba Samsung Storage*
9 *Technology Korea Corporation, Toshiba Samsung*
10 *Storage Technology Corporation, Toshiba*
11 *Corporation, and Toshiba America Information*
12 *Systems, Inc.*

13 DATED: July 7, 2014

O'MELVENY & MYERS LLP

14 By: /s/ Ian Simmons
15 IAN SIMMONS

16 1625 Eye Street, NW
17 Washington, DC 20006
18 Telephone: (202) 383-5106
19 Facsimile: (202) 383-5414
isimmons@omm.com

20 *Counsel for Defendants Samsung Electronics Co.,*
21 *Ltd. and Samsung Electronics America, Inc.*

22 DATED: July 7, 2014

BOIES SCHILLER & FLEXNER LLP

23 By: /s/ John F. Cove, Jr.
24 JOHN F. COVE, JR.

25 1999 Harrison Street, Suite 900
26 Oakland, CA 94612
27 Telephone: (510) 874-1000
Facsimile: (510) 874-1460
jcove@bsfllp.com

28 *Counsel for Defendants Sony Corporation, Sony*
Electronics, Inc., Sony Optiarc Inc., and Sony
Optiarc America Inc.

DATED: July 7, 2014

KATTEN MUCHIN ROSENMAN LLP

By: /s/ Mary Ellen Hennessy
MARY ELLEN HENNESSY

525 W. Monroe Street
Chicago, IL 60661-3693
Telephone: (312) 902-5331
Facsimile: (312) 577-8977
Maryellen.hennessy@kattenlaw.com

*Counsel for Defendants TEAC Corporation and
TEAC America Inc.*

DATED: July 7, 2014

WINSTON & STRAWN LLP

By /s/ Jeffrey L. Kessler
JEFFREY L. KESSLER

200 Park Avenue
New York, NY 10166
Telephone: (212) 294-6700
Facsimile: (212) 294-4700
jkessler@winston.com

*Attorney for Defendant Panasonic Corporation and
Panasonic Corporation of North America*

DATED: July 7, 2014

WINSTON & STRAWN LLP

By /s/ Robert B. Pringle
ROBERT B. PRINGLE

101 California Street
San Francisco, CA 94111-5894
Telephone: (415) 591-1000
Facsimile: (415) 591-1400
rpringle@winston.com

Attorneys for Defendant NEC Corporation

DATED: July 7, 2014

CROWELL & MORING LLP

By /s/ Daniel A. Sasse
DANIEL A. SASSE

Angela J. Yu
3 Park Plaza
20th Floor
Irvine, CA 92614
Tel: 949-263-8400

Fax: 949-263-8414
dsasse@crowell.com
ayu@crowell.com

Beatrice B. Nguyen
275 Battery Street, 23rd Floor
San Francisco, CA 94111
Tel: 415-986-2800
Fax: 415-986-2827
bnguyen@crowell.com

Counsel for Plaintiff Hewlett-Packard Co.

Pursuant to Civil Local Rule 5-1(i)(3), the filer attests that concurrence in the filing of this document has been obtained from each of the signatories.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 7/8/14



HONORABLE RICHARD STEBORG
UNITED STATES DISTRICT COURT JUDGE

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